



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,710	02/14/2002	Andrew Sutherland	103140-0014U	8378
24267	7590	04/21/2005	EXAMINER	
CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			BATAILLE, PIERRE MICHE	
			ART UNIT	PAPER NUMBER
			2186	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,710

Applicant(s)

SUTHERLAND ET AL.

Examiner

Pierre-Michel Bataille

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 3-18 and 22-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/23/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is taken in response to Applicant's communication filed March 23, 2005 responding the Final Office Action dated November 23, 2004. Applicant's amendments and/or arguments have been considered with the results that follow.
2. Claims 1-36 are pending in the application under prosecution.

Response to Arguments

3. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2002/0055989 (Stringer-Calvert et al) in view of "A Replicated Architecture for a Domain Name System" (Kangasharju et al).

With respect to claims 1 and 19-20, Stringer-Calvert teaches a plurality of file storage nodes that are distributed on and communicate peer-to-peer over a network

[(plurality of collaborative groups communicating with each other as members or subsets of a virtual private network (VPN) in a peer-to-peer network) Paragraph 0007-0008; 0011; 0022]; a storage coordinator (first master node) that manages file storage on the plurality of file storage nodes [(each master node controlling membership of a subset of the members) paragraphs 0008 & 0022], the storage coordinator designating selected groups of nodes within the plurality of files storage nodes [(master node being a group leader for managing and maintaining group members of the VPN) Par. 0025 & 0022] and directing the nodes into a given group to communicate peer-to-peer [paragraphs 0047 & 0022]. Stringer-Calvert fails to specifically disclose the master node dedicated to replicate associated group files, although specifically disclosing the system being fault tolerant and peer-to-peer network systems including file/resource-sharing services ***[paragraph 0047]***. However, Kangasharju discloses a plurality of name servers cooperating over a network wherein all cooperating name servers, each holds the master files containing all the resources records and each is responsible to make changes to the master file in the usual manner; each responsible to keep the master file information up-to-date, and each responsible to shared the update they have received from primary name server that they parent [see pages replicated DNS architecture, page 661 and Interaction among Replicated Name Servers, page 662]. Therefore, it would have been obvious to one of ordinary skill in the art to arrive at the claimed invention as Kangasharju teaches replicating associated group files to significantly improve access times. The addition would have provided fault tolerance as Stringer-Calvert discloses the importance of

having a system being fault tolerant in peer-to-peer network system having file/resource-sharing services.

With respect to claims 2 and 21, Stringer-Calvert teaches an administrative console that administers policies set by an administrator, providing policies to the storage coordinator and the storage coordinator designating the groups in accordance with the policies provided by the administrative console [paragraph 0022; 0041-0042].

Allowable Subject Matter

6. Claims 3-18 and 22-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

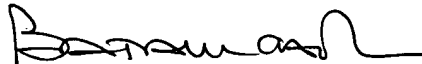
Antony Rowstron et al, "Storage Management and Caching in PAST, A Large-Scale Persistent Peer-to-Peer Storage utility", ACM Digital Library, page(s) 188-201, 2001.

Stephen Simon, "Peer-to-Peer Network Management In An IBM SNA Network", IEEE Network Magazine, pages 30-34, 1991.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon-Fri (9:30A to 6:00P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (703) 305-3821. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre-Michel Bataille
Primary Examiner
Art Unit 2186

April 14, 2005